

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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AUGUST RESOURCE FUNDING, INC.,

Plaintiff,  
v.

ORDER

PROCORP, LLC AND TIMOTHY ERIK SCHULTZ,

18-cv-1011-jdp

Defendants.

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After prevailing on its motion for summary judgment in this contract dispute, plaintiff August Resource Funding, Inc. has moved for attorney fees and costs. Dkt. 46 and Dkt. 48. Federal Rule of Civil Procedure 54(d) authorizes certain costs for the prevailing party, and it allows the prevailing party to seek attorney fees and nontaxable expenses if authorized by statute, rule, or other grounds. August Resource Funding seeks \$656.05 in taxable costs under Rule 54. Dkt. 48. And it seeks \$44,215 in attorney fees and a further \$688.74 in nontaxable expenses. Dkt. 46. This request is based on the parties' service agreement stating that if litigation arises out of the agreement, the prevailing party "shall be entitled to costs and expenses, including reasonable, actual attorney fees." Dkt. 6-1, ¶ 14.1.

Defendants Procorp, LLC and Timothy Erik Schultz have not responded to August Resource Funding's motions, so the court takes them as unopposed, but it must still determine whether the fees and expenses sought are reasonable and actual as required under the agreement. In support of its motion for attorney fees and nontaxable costs, August Resource Funding includes billing statements showing that its attorneys, David C. Moore and Micheal Hahn, performed a total of 156.2 hours of work on this matter, Moore at hourly rates of either \$300 or \$325, and Hahn at an hourly rate of \$225. Dkt. 47-1 and Dkt. 47-2. Moore and Hahn

don't include evidence supporting these hourly rates as required by this court, but the court finds that these rates are reasonable based on its experience in a range of cases in this district. August Resource Funding has already paid all but \$1,227.50 of the fees, *see id.*, which is the "best evidence of whether attorney's fees are reasonable," *Pickett v. Sheridan Health Care Ctr.*, 664 F.3d 632, 653 (7th Cir. 2011) (quoting *Cintas Corp. v. Perry*, 517 F.3d 459, 469–70 (7th Cir. 2008)). And the total amount of fees sought by August Resource Funding is easily proportional to the judgment of nearly \$6 million that it received. So the court will grant both motions and award August Resource Funding the amounts that it seeks.

ORDER

IT IS ORDERED that plaintiff August Resource Funding, Inc.'s motion for attorney fees and nontaxable expenses, Dkt. 46, and its motion for costs, Dkt. 48, are GRANTED.

Entered October 5, 2020.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge